

REMARKS/ARGUMENTS

The applicants have studied the office action mailed June 28, 2007, and have made the changes believed appropriate to place the application in condition for allowance. Reconsideration and reexamination are respectfully requested.

Although Applicants amended claims to overcome the unpatentable rejection, Applicants are not conceding in this application that the claims in their pre-amended form are invalid for being unpatentable, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in this present application and one or more continuations and/or divisional patent applications.

Claims 29-31, 34-37, 40-43, 46-49, and 52-56 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,345,392 of Mito et al. referred hereinafter as Mito. These rejections are respectfully traversed.

For example, claim 53 is directed to a “method for determining when to perform an error recovery instruction, comprising: receiving an error recovery instruction; beginning a timeout task; monitoring a processor interface for an idle condition; detecting an idle condition in said processor interface before expiration of said timeout task; in response to said detection, withholding access to a local processor; performing the error recovery instruction while access to the local processor is withheld; and forcing performance of the error recovery instruction before an idle condition in said processor interface is detected when the timeout task expires.”

It is the Examiner’s position that the description of receipt of an interrupt in the Mito reference meets the recitation of “receiving an error recovery instruction” in claim 53. It is further the Examiner’s position that the description of performing a “suspend” routine in the Mito reference meets the recitations of “withholding access to a local processor [and] performing the error recovery instruction” in claim 53. However, even if the Examiner’s positions are assumed to be correct, a position not conceded by the applicants, it is clear that the Examiner has cited no portion of the Mito reference teaching or suggesting “forcing performance of the error recovery instruction before an idle condition in said processor interface is detected when the timeout task expires” as required by claim 53.

It is noted that the Mito reference discusses a step 192 (FIG. 4) in which a determination is made as to whether any I/O device is active. However, if an I/O device is determined to be active, it is said that the suspend timeout is “reset” (step 194). Mito, col. 8, lines 41 et seq.

Thus, instead of forcing the suspend operation if the I/O devices remain active, it is believed that the suspend timeout continues to be reset such that the suspend operation is not performed. (See steps 192-196, FIG. 4 of the Mito reference. Thus it is clear that the Examiner has cited no portion of the Mito reference teaching or suggesting “forcing performance of the error recovery instruction before an idle condition in said processor interface is detected when the timeout task expires” as required by claim 53.

Independent claims 29, 41, and 60 may be distinguished in a similar fashion. The rejection of the dependent claims is improper for the reasons given above. Moreover, the dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art.

Claim 35,38-40,47,50-52,54, and 56 have been rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,974,147 of Hanrahan et al. referred hereinafter Hanrahan. Claims 29-34,36,37,41-46,48,49,53, and 55 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hanrahan in view of US Patent No. 6,543,002 of Kahle et al. referred hereinafter "Kahle". These rejections are respectfully traversed.

For example, claim 53 is directed to a “method for determining when to perform an error recovery instruction, comprising: receiving an error recovery instruction; beginning a timeout task; monitoring a processor interface for an idle condition; detecting an idle condition in said processor interface before expiration of said timeout task; in response to said detection, withholding access to a local processor; performing the error recovery instruction while access to the local processor is withheld; and forcing performance of the error recovery instruction before an idle condition in said processor interface is detected when the timeout task expires.”

It is the Examiner's position that the recitation of “monitoring a processor interface for an idle condition” is met by the description in the Hanrahan reference of determining when there are no longer bus requests (Hanrahan, col. 7, lines 20-23), and the recitation of “withholding access to a local processor” is met by the description in the Hanrahan reference of performing no further bus activity (Hanrahan, col. 7, lines 20-23). However, even if the Examiner's positions are assumed to be correct, a position not conceded by the applicants, it is clear that the Examiner has cited no portion of the Hanrahan reference teaching or suggesting “detecting an idle

condition in said processor interface before expiration of said timeout task; [and] in response to said detection, withholding access to a local processor” as required by claim 53.

Instead of stopping bus arbitration in response to detection of an idle condition, the Examiner’s citations to the Hanrahan reference state that the “stop arbitration decision (block 194) consists of detecting either a bus busy indication or a quiesce condition.” Thus, it appears that Hanrahan describes stopping bus arbitration in response to a quiesce signal regardless of bus conditions.

It is respectfully submitted that the deficiencies of the Examiner’s citations to the Hanrahan reference are not met by the Examiner’s citations to the Kahle reference. Independent claims 29, 41, and 60 may be distinguished in a similar fashion.

The rejection of the dependent claims is improper for the reasons given above. Moreover, the dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art.

The Examiner has made various comments concerning the anticipation or obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner’s comments are deemed moot in view of the above response.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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By: /William Konrad/
William K. Konrad
Registration No. 28,868

Please direct all correspondences to:

William K. Konrad
Konrad Raynes & Victor, LLP
315 South Beverly Drive, Ste. 210
Beverly Hills, CA 90212
Tel: (310) 553-7970
Fax: 310-556-7984